

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MIDLAND FUNDING LLC

Plaintiff,

vs.

ANDREA L. BRENT

Defendant and Third-Party Plaintiff

vs.

**MIDLAND CREDIT MANAGEMENT,
INC.**

Third-Party Defendant

Case No. 3:08-CV-1434

Judge David A. Katz

**DEFENDANT/THIRD-PARTY
PLAINTIFF'S CERTIFICATION
CONCERNING EXISTING DISCOVERY
DISPUTE WITH PLAINTIFF MIDLAND
FUNDING LLC AND THIRD-PARTY
DEFENDANT MIDLAND CREDIT
MANAGEMENT, INC.**

Defendant/Third-Party Plaintiff, Andrea Brent ("Brent") submits this certification regarding a discovery dispute concerning (1) claims of attorney-client privilege and (2) simple refusal to produce. Brent and her counsel have made sincere, good faith efforts to resolve this dispute, as required by Local Rule 37.1, but have been unsuccessful. The discovery cut-off for the liability portion of this case is December 3, 2008.

Numerous letters, e-mails, and fax transmissions have been exchanged by the parties outlining their relative positions. These have been followed up with several additional telephone conferences. Nevertheless, the parties disagree on the necessity of production of certain information which the Midland parties claim is protected by the attorney-client privilege. Brent contends that the information which she seeks is not privileged.

In addition to the documents withheld by Midland on the claim of privilege, added discovery has been sought by Brent that has not been provided. The time to respond has long passed, and Brent now faces the December 3, 2008 discovery cut-off date.

Pursuant to the directives of Federal Rule of Civil Procedure, Local Rules 37.1(a)(1) & (2), Brent asks that this Court resolve the discovery dispute by telephone conference. In the alternative, should this Court prefer, Brent is prepared to outline her position by letter, in accordance with Local Rule 37.1(a)(3).

Respectfully submitted,

/s/Dennis E. Murray, Sr.

Dennis E. Murray, Sr., Esq. (0008783)

E-Mail Address: dms@murrayandmurray.com

Donna J. Evans, Esq. (0072306)

E-Mail Address: dae@murrayandmurray.com

MURRAY & MURRAY CO., L.P.A.

111 E. Shoreline Drive

Sandusky, Ohio 44870

Telephone: (419) 624-3000

Facsimile: (419) 624-0707

Attorneys for Defendant/Third-Party Plaintiff

CERTIFICATION

This is to certify that a copy of the foregoing **Defendant/Third-Party Plaintiff's Certification Concerning Existing Discovery Dispute With Plaintiff Midland Funding LLC And Third-Party Defendant Midland Credit Management, Inc.** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic system. Parties may access the filing through the Court's system on this 2nd day of December, 2008.

/s/Dennis E. Murray, Sr.

Dennis E. Murray, Sr., Esq. (0008783)

Donna J. Evans, Esq. (0072306)

Attorneys for Defendant/Third-Party Plaintiff